IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 135 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARABHAI CHEMICALS PVT LTD

Versus

COMMISSIONER OF INCOME-TAX

Appearance:

1. INCOME TAX REFERENCE No. 135 of 1989
MR RK PATEL WITH MR BD KARIA, for Petitioner No. 1
MR BB NAIK for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE K.A.PUJ

Date of decision: 26/06/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference at the instance of the assessee, the following question is referred for our

opinion in respect of the assessment year 1982-83 :-

"Whether on the facts and in the circumstances of the case, the Tribunal was justified in law in confirming levy of interest of Rs.48,908/- under Section 215 of the Income-tax Act, 1961 ?"

2. We have heard Mr RK Patel with Mr BD Karia, learned counsel for the applicant-assessee and Mr BB Naik, learned counsel for the respondent. Our attention is invited to the decision of this Court in 173 ITR 193 in the case of this very assessee wherein this Court answered the similar question in favour of the revenue and against the assessee.

3. Following the aforesaid decision, we answer the question referred to us in the affirmative i.e. in favour of the revenue and against the assessee.

The reference accordingly stands disposed of with no order as to costs.

(M.S. Shah, J.) (K.A. Puj, J.)

sundar/-